

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

| | | |
|----------------------------------|---|-----------------------------------|
| L. FOSTER CONSULTING, LLC |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No. 1:11cv815 |
| |) | (LMB/JFA) |
| XL GROUP, INC. |) | |
| |) | |
| Defendant. |) | |

**DEFENDANT XL GROUP, INC.’S
MOTION TO DISMISS, OR IN THE ALTERNATIVE, MOTION TO TRANSFER**

COMES NOW Defendant XL Group, Inc. (“XL Group”), by and through counsel, pursuant to Fed. R. Civ. P. 12(b)(3) and 28 U.S.C. § 1406(a), moves this Court to dismiss Plaintiff’s First Amended Complaint (“Complaint”) against it. Alternatively, XL Group moves this Court to transfer this matter to the United States District Court for the Eastern District of Pennsylvania pursuant to 28 U.S.C. § 1406(a) or 28 U.S.C. § 1404(a).

WHEREFORE Defendant XL Group, Inc. respectfully requests that this Court dismiss the Complaint filed by Plaintiff, Foster Consulting LLC. Alternatively, XL Group, Inc. respectfully requests that this Court transfer this matter to the United States District Court for the Eastern District of Pennsylvania.

Dated: November 4, 2011

Respectfully submitted,

By: _____/s/
Jonathan A. Henry, Va. Bar # 80467
James T. Phalen, Va. Bar # 32725
KING & SPALDING LLP
1700 Pennsylvania Avenue, NW, Suite 200
Washington, DC 20006
Phone: (202) 737-0500

Fax: (202) 626-3737
jhenry@kslaw.com
jphalen@kslaw.com

Counsel for Defendant XL Group, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on November 4, 2011, a copy of the foregoing was served upon the following counsel of record via notice of electronic filing (NEF) by this Court's CM/ECF system:

Damon W.D. Wright, Va. Bar #40319
Christopher Scott Crook, Va. Bar #76636
Venable LLP
575 7th Street, NW
Washington, DC 20004-1601
Telephone (202) 344-4000
Fax (202) 344-8300
dwdwright@venable.com
cscrook@venable.com

Attorneys for L. Foster Consulting LLC

By: _____/s/_____
Jonathan A. Henry, Va. Bar # 80467
KING & SPALDING LLP
1700 Pennsylvania Avenue, NW, Suite 200
Washington, DC 20006
Phone: (202) 737-0500
Fax: (202) 626-3737
jhenry@kslaw.com

Counsel for Defendant XL Group, Inc.